1	Introduced b	y: Councilmember Seamens		
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3	CITY OF TAKOMA PARK, MARYLAND			
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5		RESOLUTION 2018-41		
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7		ION AUTHORIZING NEIGHBORHOOD DEVELOPMENT COMPANY, LLC TO		
8	SUBMIT TH	E TAKOMA JUNCTION DEVELOPMENT PROJECT COMBINED SITE PLAN TO		
9		THE MONTGOMERY COUNTY PLANNING DEPARTMENT		
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12	WHEREAS,	the development site consists of multiple City-owned parcels and one		
13		privately-owned parcel located on the south side of Ethan Allen Avenue (MD		
14		410) at the intersection with Carroll Avenue (MD 195), in a compact but		
15		important neighborhood commercial area locally referred to as the Takoma		
16		Junction; and		
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18	WHEREAS,	the parcels owned by the City of Takoma Park ("City") were purchased in		
19		1995 for the purposes of stabilizing the Takoma Junction and facilitating the		
20		revitalization of the area; and		
21	MUEDEAC	the City's neurole total annuarimetaly 52,402 square fact of land. The front		
22	WHEREAS,	the City's parcels total approximately 53,493 square feet of land. The front		
23		half of the property on Carroll Avenue is a paved public parking lot zoned NR		
24 25		- Neighborhood Retail. The back half of the property on Columbia Avenue is sloped and largely wooded and is zoned R-60 – Single Family Residential.		
25 26		The properties are within the Takoma Park Historic District and are		
20		considered to be non-contributing. Pursuant to a Land License Agreement		
27		with the City, a portion of the parking lot has been used by the Takoma Park		
29		Silver Spring Co-op ("TPSS Co-op") grocery store for customer and employee		
30		parking, deliveries, trash collection and storage; and		
31		parking, denveries, trash concetion and storage, and		
32	WHEREAS,	the potential future uses of the Property have been the focus of several		
33		formal and informal resident committees and numerous City-sponsored		
34		assessments beginning in 1983 with the establishment of the Takoma		
35		Junction Revitalization Steering Committee, a series of City-initiated traffic		
36		studies, market assessments and revitalization plans in the 1980s and 1990s;		
37		and extending through to the informal Fire Place Group in 2010 and the		
38		Takoma Junction Task Force (2010-2012). The Property was studied by each		
39		of these groups which in turn discussed their desired development options		
40		and advocated for multiple streetscape improvements and other initiatives		
41		intended to improve the viability and attractiveness of the area; and		
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43	WHEREAS,	the Takoma Park City Council ("Council") considered options in 2013 for the		
44		future use of the Property, including: 1) the continued maintenance of the		
45		surface parking lot; 2) the development of a public facility such as a library or		
46		recreational center; 3) the sale or lease of the Property at market rates; and		

47 4) the open and competitive solicitation of development proposals. In 48 January 2014, the Council decided to proceed with the fourth option and 49 authorized the release of a competitive Request for Proposals ("RFP") for the 50 development of the Property in a manner that would "act as a stimulus to the 51 commercial district and locally-owned, independent businesses; improve the 52 aesthetic appeal of the district; and be contextually sensitive and 53 environmentally sustainable"; and

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- 55 WHEREAS, the Council received a total of seven submissions in response to the 2014 solicitation, four of which were determined by a review committee to be 56 57 responsive to the criteria set forth in the RFP. The qualifications of these development teams and the merits of their proposals and preliminary 58 concept plans were then considered by the Council over the course of 11 59 60 months. During this period, the Council scheduled presentations of the individual proposals, sponsored a community open house, held listening 61 sessions, solicited additional public comment through a variety of formats, 62 and held eight Council work sessions; and 63
- WHEREAS,
 the Council, having carefully evaluated the expertise, financial capacity, and overall vision of each of the development teams and weighing public input gathered during this evaluation process, determined that Neighborhood Development Company, LLC ("NDC") was a capable developer and would be a suitable partner for the redevelopment of the Property. On April 13, 2015, the Council approved Resolution 2015-19 authorizing the City Manager to initiate negotiations with NDC; and
- WHEREAS, in authorizing the City Manager to initiate negotiations with NDC in April
 2015, the Council articulated its priorities for the revitalization of the
 Takoma Junction, established criteria for the development of the Property,
 acknowledged the neighboring TPSS Co-op, and expressed interest in
 maintaining the economic vitality of that business; and
- WHEREAS, on July 27, 2016, the Council approved, by Resolution 2016-26, the execution of the Development Agreement and Ground Lease with NDC after an extended 15-month negotiation period during which the Council held a series of work session discussions focused on elements of the proposed development, hosted an open house discussion to respond to questions raised by the community, and carefully considered comments submitted by the public throughout this period; and
- WHEREAS, the Development Agreement identifies the priorities of the Council, establishes the process guiding the development of the Property, provides opportunities for the expansion of the TPSS Co-op, and reflects the Council's commitment to ensuring continuity of the TPSS Co-op operations during construction and reasonably accommodating the parking and delivery needs of the TPSS Co-op; and

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93 94	WHEREAS,	besides the provisions relating to the TPSS Co-op, the Project Goals specified
95	wiilklas,	in the Development Agreement include the following:
96		in the Development rigi coment merdue the following.
97		a) Inclusion of public parking for area businesses as part of the project
98		b) Minimization of detrimental impacts to neighboring properties on
99		Columbia and Sycamore Avenues
100		c) Design that optimizes the provision of retail services on the first floor of
101		the building
102		d) Provision of public or community spaces that result in enhanced
103		interactions among residents and visitors
104		e) Support of independent businesses
105		f) Provision of pedestrian access from Columbia Avenue to the property
106		g) Incorporation of environmentally sustainable and green building features
107		h) Encouragement of alternate modes of transportation
108		i) Retail mix with a high priority for local and regional operators; and
109 110	WHEREAS,	the Development Agreement also provides that NDC will not lease any
110	WIILKLAS,	portion of the project to another food co-operative or grocery store selling a
112		large variety of food and household items (but may lease to specialty shops,
113		restaurants and other sellers of food and beverages) while the TPSS Co-op is
114		operating in its existing premises; and
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116	WHEREAS,	the Ground Lease identifies other uses that are not permitted on the
117		premises, including an amusement center, sports facility, motor vehicle
118		maintenance shop, pawn shop, check cashing store, gun shop, dance hall,
119		tattoo parlor, tanning salon, gambling center, drug paraphernalia store, store
120		with pornographic materials or adult entertainment, or place of religious
121		worship; and
122	MUEDEAC	during the discussions shout the Development Armony the Council
123	WHEREAS,	during the discussions about the Development Agreement, the Council considered other potential benefits of the project including:
124 125		considered other potential benefits of the project including.
125		a) Increased activity and vibrancy of the Takoma Junction which would
127		benefit existing businesses
		b) Environmentally responsible in-fill development in a commercial and
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129		residential area accessible by walking, biking, and transit
130		c) Reduction in driving by residents who could access retail and office
131		opportunities closer to their homes
132		d) Creation of appealing space for new and expanding local and regional
133		businesses
134		e) Creation of a retail tenant mix featuring local and regional businesses by
135		emphasizing preference for local and regional operators and precluding
136		certain types of businesses identified as not appropriate for the location

f) Creation of new employment opportunities for community residents 137 g) Potential for infrastructure changes to facilitate improved circulation of 138 pedestrians and bicyclists traveling through the Takoma Junction 139 140 development h) Mitigation of the environmental impacts created over the years by the 141 landfill materials located under the asphalt surface of the parking lot 142 i) Reduction of the heat sink effect created by the asphalt parking lot 143 j) Reduction in the carbon footprint of the built and actively-used site 144 through the introduction of sustainability features such as a vegetative 145 146 roof and other energy conserving improvements k) Diversion and treatment of run-off into the Chesapeake Bay with the 147 148 construction of various storm water management features 149 I) Retention and improvement of the green area on Columbia Avenue through the stabilization of the wooded slope, removal of invasive plants, 150 and introduction of new natural landscaping elements 151 m) Creation of a financially productive property, which would increase the 152 City's tax base and provide lease revenue to the City; and 153 154 working in partnership with the Council-appointed Community Consultation 155 WHEREAS. Process Advisory Committee, NDC hosted two public meetings in February 156 2017 to discuss form and character options and to consider market and retail 157 ideas for incorporation in the development. A second set of public 158 discussions were held in March 2017 which focused on the topics of access. 159 160 mobility and the public realm. Members of the community were invited to provide additional online feedback and materials were provided in Spanish 161 and Amharic. The Committee reached out to members across the City; and 162 163 164 WHEREAS, in addition to the outreach activities conducted with the Community Consultation Process Advisory Committee, NDC also met with local 165 stakeholders, including representatives of Historic Takoma, Inc., Old Takoma 166 Business Association, Takoma Junction Task Force, Safe Roadways 167 Committee and the Façade Advisory Board and with individual community 168 169 members; and 170 in accordance with the provisions of the Development Agreement, NDC WHEREAS, 171 presented a preliminary concept plan ("Concept Plan") to the Council on 172 September 27, 2017, which expanded the project site to include an adjacent 173 5,470 sq. ft. parcel which NDC has under contract and began to reflect the 174 feedback received from the Council and the community during this initial 175 design process; and 176 177 178 WHEREAS, on October 25, 2017, the Council provided comment on the Concept Plan through its approval of Resolution 2017-53. Resolution 2017-53 reiterated 179

the Council's criteria for the development proposal, described the areas in 180 which the Concept Plan fell short of those criteria, and expressed the 181 Council's expectation that the Site Plan would meet the criteria. Resolution 182 2017-53 also provided comments on the design and accessibility of the 183 public space, the use of the layby to facilitate the delivery of goods to address 184 the needs of on-site tenants, the placement and function of the planned 185 elevator(s), the design of the front facing facade such that it would consist of 186 large storefront windows and include exciting or iconic features, the height 187 and massing of the structure, the preservation of wooded area along 188 Columbia Avenue, the design of the Columbia Avenue building facade, the 189 accessibility of the parking area, the project's sustainability elements, the 190 potential inclusion of another parcel to the west, and the importance of 191 providing reasonable accommodation for the continued operation of the 192 193 TPSS Co-op; and

195 WHEREAS, on April 4, 2018, NDC presented a draft Combined Site Plan ("Site Plan") to address certain specific design comments detailed in Resolution 2017-53. 196 197 The Site Plan provided for the construction of a two-story mixed-use commercial development with below grade parking accommodating up to 72 198 vehicles, approximately 26,755 sq. ft. on the ground level (approximately 199 22,822 sq. ft. of ground level retail space), approximately 26,795 sq. ft. on the 200 second level (approximately 25,070 sq. ft. of office space), approximately 201 2,700 sq. ft. of public space designed to provide opportunities for social 202 engagement, the preservation and improvement of wooded area along 203 Columbia Avenue which is to be placed under a Forest Conservation 204 205 easement, a series of sustainability features exceeding the requirements of the Development Agreement, and site improvements to address the internal 206 and external circulation of people and goods (e.g., the layby, delivery access 207 lane and service corridor); and 208

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- WHEREAS, in response to the Council's comments on the Concept Plan reflected in Resolution 2017-53, and other design concerns, the following revisions to design elements and operational features were incorporated into the April 2018 Draft Site Plan:
 - a) The third story was eliminated in favor of a two-story structure, with a series of volumes and different materials for the façade of the building.
 - b) The depth of the retail space was modified, minimizing corridor spaces and vertical circulation with the goal of optimizing visibility, connection with the public realm, and retail engagement with the sidewalk.
- c) An elevator stair tower was located on the west side of the building aimed
 at signaling the beginning of the project, providing a gateway element and
 a more modern architectural element to address the interest in an iconic
 feature.
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226 d) The building was set back an additional 10 feet on the west side of the 227 site, and room was provided for an 8-foot clear pedestrian path and a 2-228 foot-to-8-foot wide seating zone established along the remainder of the 229 façade to the east, providing space for cafe seating, benches, etc., 230 separated from the layby with a 7-foot-wide loading path and bollards. 231 232 e) A public art element was added to provide an opportunity to engage with 233 the public space at the west end of the property. 234 235 f) Trees and other plantings in the public realm were added with 236 appropriate soil depth so that they may thrive. 237 238 239 g) A Forest Conservation Easement area was identified on the rear of the lot to provide passive enjoyment of the wooded area and protect the health 240 of the sloped portion of the site, as well as create a green barrier between 241 the building and the nearby residences. 242 243 h) Modifications were made to the building design and Draft Site Plan which 244 are intended to meet and exceed the LEED Gold sustainability standards 245 in the Development Agreement. In addition to the building-oriented 246 sustainability techniques that were identified in the Concept Plan, 247 additional features were added to provide multi-modal access to the 248 Property and capitalize upon pedestrian-first design methods, as well as a 249 bioretention stormwater facility, a vegetative ("green") roof, and other 250 251 environmental mitigation features. 252 i) The layby lane was increased to a width of 12' to accommodate the 253 largest vehicles expected to make deliveries to the TPSS Co-op and to 254 enable them to move completely out of the existing eastbound lanes. The 255 lavby lane is located outside of the existing four-lane roadbed of Carroll 256 Avenue and is designed to be used for deliveries and trash and recycling 257 collection; and 258 259 WHEREAS. since the Draft Site Plan was initially presented in April 2018, the Council has 260 held a series of seven Work Session discussions focusing on various elements 261 of the Draft Site Plan including the design of the building, its placement on 262 the Property, the design and size of the dedicated public space, sustainability 263 features, circulation patterns, and the findings and recommendations of the 264 traffic studies, one funded by NDC and the other by the City. In addition to 265 the Council hearing public comment at these work sessions and receiving 266 267 written comment, and individual members of the Council meeting informally with constituents and neighborhood groups, the Council provided an 268 afternoon open house held at the Takoma Park Community Center, an on-site 269 virtual "pop-up" of the development, and a formalized one-on-one question-270 and-answer session with community members; and 271

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273 274	WHEREAS,	in his June 20, 2018 correspondence Adrian Washington, CEO and Co- Founder, Neighborhood Development Company, LLC, committed to making
275		the following additional changes to the Site Plan, as requested by the Council:
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277		a) In consultation with the Montgomery County Historic Preservation
278		Commission and its staff, to consider modification of the roofline,
279		specifically the height of the parapet, to ensure that the height of the
280		building and the proposed parapet are contextually appropriate.
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282		b) To add, in consultation with the TPSS Co-op, a second elevator at the east
283		end of the building that operates between the lower level garage and
284		street level to accommodate its customers and employees.
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286		c) To add multiple window openings and varied materials in the Columbia
287		Avenue façade on both the first and second floors of the building to create
288		a more visually attractive rear façade and to provide more light and air at
289		the garage level, while ensuring that measures are taken to minimize the
290		impacts of light and noise on the residential neighborhood behind the
291		building.
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293		d) To include facilities for 4-yard dumpsters that would be accommodated in
294		a corral, locked and outfitted with tamper-proof hose bib, a floor drain
295		and an exhaust system for smells.
296		a) To increase the suidth of the name of country as widen to 10 foot to an annual
297		e) To increase the width of the paved service corridor to 10 feet to ensure
298		that deliveries can be safely and more easily conveyed by hand truck and
299 300		to facilitate the removal of trash and recyclables; and
301	WHEREAS,	in response to other concerns voiced by the Council, NDC has committed to
302	-,	implement the following:
303		F F F F F F F F
304		a) To take measures to protect and minimize damage to the natural
305		elements in as much of the wooded and sloped rear portion of the
306		Property as possible during the construction of the building and
307		stormwater facilities, recognizing that some actions within the wooded
308		area may be warranted in order to eradicate invasive species, stabilize the
309		slope, and promote a healthy wooded area.
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311		b) Ensure that none of the trash generated by tenants of the building would
312		be left outside and that the dumpsters would not be stored in the public
313		realm. The project is anticipated to be able to accommodate all of the
314		trash generated by ground floor users in three dumpsters and that three
315		pickups per week would be scheduled. The dumpsters would be located
316		on-site and ported by property management staff to curbside at the
317		appropriate pickup times. Additional dumpster storage could be provided

- 318at the rear of the building if required to accommodate the trash generated319by a change in tenant use.
- 321 c) NDC will partner with the City to program the public realm and the public
 322 space, providing opportunities such as musical performances or the
 323 scheduling of food trucks in the layby area; and
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- NDC's and the City's traffic studies found that the intersection is currently 325 WHEREAS, near capacity and would exceed acceptable levels with the addition of future 326 traffic resulting from other development projects unrelated to this project. As 327 a result of that traffic and the additional traffic generated by this project, the 328 traffic studies recommend a reconfiguration of the Takoma Junction 329 intersection (intersection of MD 195 and MD 410) and provided several 330 331 potential alternative configurations that could improve traffic flow as well as increase safety and access for pedestrians, bicyclists and transit users. The 332 City is having ongoing discussions with the Maryland State Highway 333 Administration (SHA) regarding reconfiguration and safety; and 334 335
- WHEREAS,
 WHEREAS,
 The Traffic Group's traffic study utilized Shopping Center and General Office Building rates for the Trip Generation model estimating traffic affiliated with the Draft Site Plan. A different formula for a High Turnover (Sit-Down) Restaurant was utilized to estimate traffic related to a background development. The Traffic Group has stated its plans to include rates for a High Turnover (Sit-Down) Restaurant in the Draft Site Plan in its Traffic Impact Study before submitting to the County; and
- WHEREAS,
 for purposes of this Resolution, the Draft Site Plan consists of the attached
 plans prepared by NDC and presented to the Council in April 2018 and the
 accompanying June 20, 2018, correspondence from Adrian Washington, CEO
 and Co-Founder, Neighborhood Development Company, LLC, that includes
 modifications to those plans, as well as the commitments made by NDC
 stated above, the traffic study prepared by The Traffic Group for NDC, and
 the additional commitments by NDC referenced in this Resolution; and
- WHEREAS, Council approval of the proposed Draft Site Plan (and identified 352 modifications), as detailed in the Development Agreement, is required to 353 advance the project to the next phase of development. Further reviews and 354 approvals are required including technical review of the Site Plan by the 355 Montgomery County Development Review Committee, review and approval 356 by the Montgomery County Planning Board, technical review and approval of 357 the proposed layby, garage access and traffic impact analysis by SHA, 358 approval of a Historic Area Work Permit by the Montgomery County Historic 359 Preservation Commission (which requires review by the Façade Advisory 360 Board), administrative review and approval of a required stormwater 361 management plan and tree protection plan by City staff, and review of 362 construction plans prior to the issuance of building permits by Montgomery 363

- County Department of Permitting Services. Additional public comment opportunities are incorporated in the Montgomery County review processes; and 367
- the Council acknowledges that the Site Plan may be modified during the 368 WHEREAS, Montgomery County development review process, by SHA or at the request 369 of NDC, any of which may warrant further assessment by the Council to 370 ensure that the project appropriately addresses its goal of creating an 371 attractive, vibrant and economically viable development. The Site Plan mav 372 also be modified following the approval of this resolution at the request of 373 the Council to ensure that the project appropriately addresses the objectives 374 and goals stated herein; and 375
- WHEREAS, the Council remains strongly committed to ensuring the continuity of
 operations for Takoma Junction businesses during construction and
 providing reasonable accommodations for parking and deliveries for the
 TPSS Co-op upon completion of the development; and
- **WHEREAS,** the goals for the type of retail for the Takoma Junction project include:

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- a) Maintaining the unique character of the community and the appeal of Takoma Junction.
- b) Protecting the area's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs.
 - c) Fostering businesses that serve the basic needs of the surrounding neighborhood; and
- 393 WHEREAS, the Council, acknowledging the complexity of matters relating to the operation of the TPSS Co-op and that the Co-op has expressed its concerns 394 that the Draft Site Plan does not fully provide reasonable accommodation for 395 deliveries, parking, trash and business continuity during construction, has 396 397 offered to provide funding in an amount not to exceed \$5,000 to allow for a facilitated discussion between NDC and the TPSS Co-op, both of which have 398 399 agreed to participate in the proposed mediation. Members of the Council and City staff will serve, at the request of the TPSS Co-op, as observers during the 400 mediation. The Council requests that the mediation be concluded by early 401 September; and 402
- WHEREAS, the Council views this mediation as an opportunity to build trust between
 NDC and the TPSS Co-op and to identify solutions to outstanding operational
 issues such as the timing, access and potential staging of deliveries, TPSS Coop trash and recycling requirements, customer and employee parking needs,
 and the location, siting and type of elevator needed to facilitate access to the
 TPSS Co-op building and the below grade parking facility, as well as

- 410 continuity of operations during construction. The Council expects both 411 parties to mediate in good faith and to reach agreement on how to equitably 412 address these matters in a timely manner, preferably by September 2018; 413 and
- 414
- WHEREAS, the conditions set forth in the Development Agreement including the actions required by the City and NDC throughout the development review process and construction, the project schedule, and remedies for resolving disputes and terminating the Agreement and Ground Lease remain enforceable through the term of the Agreement.
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421 NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK,

MARYLAND, has determined that the April 2018 Draft Site Plan submitted by NDC, along
 with its June 20, 2018 correspondence and other modifications as noted in this Resolution,
 advances the City's goals for the Property, and hereby authorizes NDC to submit the
 Takoma Junction Development Project Combined Site Plan as modified herein to the
 Montgomery County Planning Department for review.

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BE IT FURTHER RESOLVED THAT, the Council will schedule a Work Session in September
2018 to determine if Site Plan changes are necessary to satisfy the reasonable
accommodation requirements set forth in the Development Agreement and if so will direct
NDC to make those changes to any Site Plan then pending before the Montgomery County
Planning Department. If Site Plan changes are required, whether because of mutual
agreement between NDC and the TPSS Co-op or otherwise, the Council will promptly notify
the relevant County offices of the required changes.

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BE IT FURTHER RESOLVED THAT, in response to additional concerns, the Council
 requires that NDC to commit to implement the following modifications:

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 439 a) To design the rear of the building to minimally impact the residential neighborhood and wooded area behind it, including design elements to minimize noise and light pollution, both from the garage and tenant spaces, and to utilize outdoor lights with no greater than a 3000 Kelvin light temperature.
 - b) Add detail to the design of the rear façade, through the use of materials and other methods, so it is less intrusive and more visually appropriate for the setting.
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 447 c) To reduce the height of the building by up to 5 feet, in an aesthetically appropriate way, working with the Montgomery County Historic Preservation Commission to ensure that the height of the building and the proposed parapet are contextually appropriate, and that natural light and open space of the interior are maintained.
- 453d) To provide at least 2,700 sq. ft. of public gathering space not focused on outdoor454dining but as a shared space for residents, visitors and anyone else in the public

realm. In the event that the location or length of the layby is modified during the 455 Montgomery County Development Review process and encroaches into the 456 planned public space, NDC will make modifications to ensure that at least 2,700 457 square feet of public space is maintained and that it is equivalent in type and 458 quality. 459 460 461 e) NDC will partner with the City on the revitalization of B.Y. Morrison Park. 462 f) Explore the potential of adding a paved or unpaved walking path and/or benches 463 in the Forest Conservation Area Easement, provided that these elements do not 464 disturb the natural elements and conservation goals of this area. 465 466 BE IT FURTHER RESOLVED THAT, the City is committed to significantly reducing 467 468 greenhouse gas emissions and promoting sustainable development. To this end, the Development Agreement requires NDC to design and construct Takoma Junction to satisfy 469 LEED Gold or higher certification from the U.S. Building Council (or an equivalent 470 certification of environmental sustainability). The Development Agreement further 471 requires the incorporation of green building strategies into the Site Plan in consultation 472 with the City. The Council therefore requires that NDC work with the City to implement the 473 following green building strategies: 474 475 a) Stormwater will be managed within the project boundary using low-impact 476 development and green infrastructure. Treatment will significantly exceed the 477 City's 50% requirement for redevelopment. 478 479 480 b) Green construction methods such as the use of best available control technologies to minimize air pollution from diesel equipment during 481 construction. 482 483 c) Creation of an energy neutral building through on-site methods or off-site 484 renewable energy credits. 485 486 **BE IT FURTHER RESOLVED THAT,** the City will develop a process in which the Tree 487 Commission will provide insight and recommendations for the project as part of the 488 development review process. The City Manager has authority over tree protection plans 489 490 and tree removal plans on City property. 491 **BE IT FURTHER RESOLVED THAT**, the City acknowledges that the proposal involves 492

BE IT FURTHER RESOLVED THAT, the City acknowledges that the proposal involves multiple lots and includes construction across at least one property line, which must be addressed through either consolidation of all the lots or through a legal agreement that both protects the City of Takoma Park and satisfies the requirements of Montgomery County. The consolidation of the lots under City ownership is the Council's preferred alternative. The City will work toward that goal, with the understanding that the legal steps necessary to resolve this situation may not be finalized until the project is under 499 consideration by Montgomery County officials as part of the County development review500 process.

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502 **BE IT FURTHER RESOLVED THAT**, the Council will provide additional comment on any 503 modifications made to the Site Plan during the Montgomery County development review 504 process that noticeably change the building's or site's appearance, footprint or functionality 505 to ensure that the modified plan continues to address its goals for the revitalization of 506 Takoma Junction and will include those comments in a Resolution to the Montgomery 507 County Planning Board when the draft Final Site Plan/Preliminary Plan comes before the 508 Montgomery County Planning Board for consideration.

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510 **BE IT FURTHER RESOLVED THAT**, the Council will work with NDC to minimize negative 511 construction impacts on area businesses and residents and to address the needs of Takoma 512 Junction businesses for continuity of operations during construction. The City will develop 513 a written agreement, memorandum of understanding or a similar document between the 514 City and NDC in order to ensure that these goals are achieved. The document will include 515 the requirement to build the layby in the first stage of the construction process to facilitate 516 Co-op deliveries during construction.

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518 **BE IT FURTHER RESOLVED THAT,** for the project at Takoma Junction, the City bars 519 formula retail use—defined as a retail sales or service establishment that has eleven or 520 more other retail sales establishments in operation in Washington DC, Montgomery 521 County, and Prince George's County or twenty or more nationwide establishments— 522 without a vote of the Council for approval.

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BE IT FURTHER RESOLVED THAT, the Council, when developing an ordinance associated with the City's Affordable Housing Fund, will dedicate revenues received from this project to the City's Affordable Housing Fund (or its successor), and will consider dedicating a percentage of other project revenues to this fund when it is able to comprehensively discuss this action in context of other actions recommended in the draft Housing and Economic Development Strategic Plan. The Council intends to develop such an ordinance by November 2018.

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532 **BE IT FURTHER RESOLVED THAT,** in order to meet SHA standards for pedestrian safety and vehicular traffic flow, Council has an expectation that intersection modifications may 533 be required. The Council will continue to work with SHA on reconfiguration of the Takoma 534 Junction intersection and/or other measures to improve traffic flow, taking into 535 consideration costs associated with the improvements. The Council will prioritize the 536 safety and flow of people walking, biking and using public transit; give appropriate 537 consideration to historic preservation; and seek to minimize cut-through traffic on nearby 538 539 streets.

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541 Adopted this 25th day of July, 2018.

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- 543 Attest: Jessie Carpenter, CMC, City Clerk